

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. CR 22-40-D
WILLIAM SHAWN KAYS,)	
)	
Defendant.)	

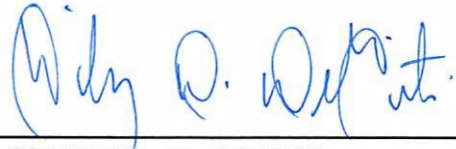
ORDER

Before the Court is Defendant William Shawn Kays' Motion to Strike Prejudicial and Misleading Surplusage from Counts 2 and 3 of the Superseding Indictment. [Doc. No. 42]. The government filed a timely response. [Doc. No. 44].

After Defendant filed the present motion, a Second Superseding Indictment [Doc. No. 71] was returned on June 8, 2022. In light of the Second Superseding Indictment, the Court finds that it should deny Defendant's Motion to Strike [Doc. No. 42] without prejudice to refile a motion that addresses the Second Superseding Indictment [Doc. No. 71], the Superseding Indictment [Doc. No. 33], or both.

IT IS THEREFORE ORDERED that Defendant's Motion to Strike Prejudicial and Misleading Surplusage from Counts 2 and 3 of the Superseding Indictment [Doc. No. 42] is **DENIED** without prejudice to refile

IT IS SO ORDERED this 14th day of September, 2022.



TIMOTHY D. DeGIUSTI
Chief United States District Judge